

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

-----X	:	
In re:	:	In Chapter 13
	:	
MELVIN CHAPPELL JR., AND	:	Bankruptcy No. 16-17021
CHARLENE GRACE-CHAPPELL	:	
	:	
Debtor.	:	
	:	
	:	
-----X	:	

**PHILADELPHIA GAS WORKS' OBJECTION TO DEBTORS' SECOND AMENDED  
CHAPTER 13 PLAN DATED MARCH 16, 2018**

Philadelphia Gas Works (hereinafter "PGW") hereby files its Objection to the confirmation of the Debtors' Second Amended Chapter 13 Plan dated March 16, 2018. PGW is a secured creditor. The Municipal Liens were filed by the City of Philadelphia on behalf of the Philadelphia Gas Works for gas service to the property 5011 Saul Street, Philadelphia, PA (the "Property") pursuant to 53 Pa. C.S.A. §7101 et seq. These liens are statutory liens.

PGW avers the following in its objection thereto:

1. On October 3, 2016, the Debtors commenced their bankruptcy proceeding in Chapter 13.
2. On March 16, 2018 the Debtors filed a Second Amended Chapter 13 Plan.
3. PGW's interest in the Property is a statutory lien. PGW liens are municipal and statutory filed pursuant to 53 Pa.C.S.A. §7101 et seq. Under 66 PS §1414 (a): A city natural gas distribution operation furnishing gas service to a property is entitled to impose or assess a municipal claim against the property and file as liens of record claims for unpaid natural gas

distribution service and other related costs...referred to as the Municipal Claim and Tax Lien Act ("MCTLA").

4. There are four statutory liens held by the City of Philadelphia (PGW) filed against Debtors:

Municipal lien docket number 140732722 filed on July 22, 2014 for the amount of \$26.21;

Municipal lien docket number 15023115 filed on February 21, 2015 for the amount of \$972.77;

Municipal lien docket number 160430630 filed on April 16, 2016 for the amount of \$4,472.36; and

Municipal lien docket number 160631730 filed on June 28, 2016 for the amount of \$927.09.

These liens are statutory municipal liens filed against the property 5011 Saul Street (the "Property"). (See attached the municipal liens dockets collectively attached as Exhibit "A").

5. 53 Pa.C.S.A. §7106(a) states:

"All municipal claims...which may hereafter be lawfully imposed or assessed on any property...shall be and are hereby declared to be a lien on said property, together with all charges, expenses and fees incurred in the collection of any delinquent account."

6. 53 Pa.C.S.A. §7106(b) states:

"With the exception of those claims which have been assigned, any municipal claim, including interest, penalty and costs, imposed by a city of the first class, shall be a judgment only against the said property when the lien has been

docketed by the prothonotary. The docketing of the lien shall be given the effect of a judgment against the said property only with respect to which the claim is filed as a lien...”

The United States Court of Appeals for the 3<sup>rd</sup> Circuit held that utility service liens are statutory liens. *Graffen v. City of Philadelphia*, 984 F.2d 96(3<sup>rd</sup> Cir. 1992) and *In re Townsend*, 27 B.R. 22 (M.D. of PA 1982). The municipal lien set forth above is purely statutory, which arises automatically and is not based on an agreement to give a lien or a judicial action.

7. Debtors need to amend their Second Amended Chapter 13 Plan to include PGW’s entire secured debt. See Exhibit “A.”

WHEREFORE, Philadelphia Gas Works respectfully requests that this Court APPROVE the Debtors’ Second Amended Chapter 13 Plan **only** if Philadelphia Gas Works liens are accounted for in their entirety in the Debtors’ Second Amended Chapter 13 Plan.

Respectfully submitted,

PHILADELPHIA GAS WORKS

Dated: March 26, 2018

Respectfully submitted,

/s/ Pearl Pham

Pearl Pham

Senior Attorney

Philadelphia Gas Works

800 W. Montgomery Avenue

Philadelphia, PA 19122

215-684-6227

215-684-6798 FAX

[pearl.pham@pgworks.com](mailto:pearl.pham@pgworks.com)

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	:	
Debtor.	:	
	:	
	:	
-----X	:	

**CERTIFICATION OF SERVICE**

I, Pearl Pham, attorney for Philadelphia Gas Works, hereby certify that a true and correct copy of the foregoing Philadelphia Gas Works' Objection to Debtors' Second Amended Chapter 13 Plan was served by the means designated below on the date set forth below, upon all parties including the following:

**VIA ECF**

Roger V. Ashodian, Esq.  
Regional Bankruptcy Center of SE PA  
101 West Chester Pike, Ste 1A  
Havertown, PA 19083  
(610) 446-6800

William C. Miller, Esq.  
Chapter 13 Trustee  
P.O. Box 1229  
Philadelphia, PA 19105  
215-627-1377

Dated: March 26, 2018

/s/ Pearl Pham  
Attorney for Philadelphia Gas Works  
800 W. Montgomery Avenue  
Philadelphia, PA 19122  
(215) 684-6227  
pearl.pham@pgworks.com

# **EXHIBIT**

## **“A”**



The Philadelphia Courts

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Civil Docket Report

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## Case Description

**Case ID:** 140732722  
**Case Caption:** CITY OF PHILA vs CHAPPELL MELVIN JR  
**Filing Date:** Tuesday , July 22nd, 2014  
**Court:** JUDGMENTS  
**Location:** City Hall  
**Jury:** NON JURY  
**Case Type:** CLAIM FOR GAS SERVICE  
**Status:** GAS SERVICE CLAIM JDGMNT FILED

## Related Cases

No related cases were found.

## Case Event Schedule

No case events were found.

## Case motions

No case motions were found.

## Case Parties

Seq #	Assoc	Expn Date	Type	Name
1			PLAINTIFF	CITY OF PHILADELPHIA
<b>Address:</b> c/o LAW DEPARTMENT 1515 ARCH ST, 14TH FLOOR PHILADELPHIA PA 19107		<b>Aliases:</b> none		
2			DEFENDANT	CHAPPELL JR, MELVIN
<b>Address:</b> SAUL STREET 5011 PHILADELPHIA PA 19124		<b>Aliases:</b> none		

## Docket Entries

Filing Date/Time	Docket Type	Filing Party	Disposition Amount	Approval/Entry Date
22-JUL-2014 09:02 PM	ACTIVE CASE			22-JUL-2014 09:02 PM
<b>Docket Entry:</b> none.				
22-JUL-2014 09:02 PM	GAS SERVICE CLAIM JDGMNT FILED	CITY OF PHILADELPHIA,	\$1,248.21	22-JUL-2014 09:02 PM
<b>Docket Entry:</b> none.				
22-JUL-2014 09:02 PM	CITY CHARGE	CITY OF PHILADELPHIA,		22-JUL-2014 09:02 PM
<b>Docket Entry:</b> none.				





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## Case Description

**Case ID:** 150231115  
**Case Caption:** CITY OF PHILA vs CHAPPELL MELVIN JR  
**Filing Date:** Saturday , February 21st, 2015  
**Court:** JUDGMENTS  
**Location:** City Hall  
**Jury:** NON JURY  
**Case Type:** CLAIM FOR GAS SERVICE  
**Status:** GAS SERVICE CLAIM JDGMNT FILED

## Related Cases

No related cases were found.

## Case Event Schedule

No case events were found.

## Case motions

No case motions were found.

## Case Parties

Seq #	Assoc	Expn Date	Type	Name
1			PLAINTIFF	CITY OF PHILADELPHIA
<b>Address:</b>	c/o LAW DEPARTMENT 1515 ARCH ST, 14TH FLOOR PHILADELPHIA PA 19107		<b>Aliases:</b>	none
2			DEFENDANT	CHAPPELL JR, MELVIN
<b>Address:</b>	SAUL STREET 5011 PHILADELPHIA PA 19124		<b>Aliases:</b>	none

## Docket Entries

Filing Date/Time	Docket Type	Filing Party	Disposition Amount	Approval/Entry Date
21-FEB-2015 09:00 PM	ACTIVE CASE			21-FEB-2015 09:00 PM
<b>Docket Entry:</b>	none.			
21-FEB-2015 09:00 PM	GAS SERVICE CLAIM JDGMNT FILED	CITY OF PHILADELPHIA,	\$972.77	21-FEB-2015 09:00 PM
<b>Docket Entry:</b>	none.			
21-FEB-2015 09:00 PM	CITY CHARGE	CITY OF PHILADELPHIA,		21-FEB-2015 09:00 PM
<b>Docket Entry:</b>	none.			





The Philadelphia Courts

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## Case Description

**Case ID:** 160430630  
**Case Caption:** CITY OF PHILA vs CHAPPELL MELVIN JR  
**Filing Date:** Saturday , April 16th, 2016  
**Court:** JUDGMENTS  
**Location:** City Hall  
**Jury:** NON JURY  
**Case Type:** CLAIM FOR GAS SERVICE  
**Status:** GAS SERVICE CLAIM JDGMNT FILED

## Related Cases

No related cases were found.

## Case Event Schedule

No case events were found.

## Case motions

No case motions were found.

## Case Parties

Seq #	Assoc	Expn Date	Type	Name
1			PLAINTIFF	CITY OF PHILADELPHIA
<b>Address:</b> c/o LAW DEPARTMENT 1515 ARCH ST, 14TH FLOOR PHILADELPHIA PA 19107		<b>Aliases:</b> none		
2			DEFENDANT	CHAPPELL JR, MELVIN
<b>Address:</b> 5011 SAUL STREET PHILADELPHIA PA 19124		<b>Aliases:</b> none		

## Docket Entries

Filing Date/Time	Docket Type	Filing Party	Disposition Amount	Approval/Entry Date
16-APR-2016 09:00 PM	ACTIVE CASE			16-APR-2016 09:00 PM
<b>Docket Entry:</b> none.				
16-APR-2016 09:00 PM	GAS SERVICE CLAIM JDGMNT FILED	CITY OF PHILADELPHIA,	\$4,472.36	16-APR-2016 09:00 PM
<b>Docket Entry:</b> none.				
16-APR-2016 09:00 PM	CITY CHARGE	CITY OF PHILADELPHIA,		16-APR-2016 09:00 PM
<b>Docket Entry:</b> none.				



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Civil Docket Report

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## Case Description

**Case ID:** 160631730  
**Case Caption:** CITY OF PHILA vs CHAPPELL MELVIN JR  
**Filing Date:** Tuesday, June 28th, 2016  
**Court:** JUDGMENTS  
**Location:** City Hall  
**Jury:** NON JURY  
**Case Type:** CLAIM FOR GAS SERVICE  
**Status:** GAS SERVICE CLAIM JDGMNT FILED

## Related Cases

No related cases were found.

## Case Event Schedule

No case events were found.

## Case motions

No case motions were found.

## Case Parties

Seq #	Assoc	Expn Date	Type	Name
1			PLAINTIFF	CITY OF PHILADELPHIA
<b>Address:</b>	c/o LAW DEPARTMENT 1515 ARCH ST, 14TH FLOOR PHILADELPHIA PA 19107		<b>Aliases:</b>	none
2			DEFENDANT	CHAPPELL JR, MELVIN
<b>Address:</b>	5011 SAUL STREET PHILADELPHIA PA 19124		<b>Aliases:</b>	none

## Docket Entries

Filing Date/Time	Docket Type	Filing Party	Disposition Amount	Approval/Entry Date
28-JUN-2016 09:00 PM	ACTIVE CASE			28-JUN-2016 09:00 PM
<b>Docket Entry:</b> none.				
28-JUN-2016 09:00 PM	GAS SERVICE CLAIM JDGMNT FILED	CITY OF PHILADELPHIA,	\$927.09	28-JUN-2016 09:00 PM
<b>Docket Entry:</b> none.				
28-JUN-2016 09:00 PM	CITY CHARGE	CITY OF PHILADELPHIA,		28-JUN-2016 09:00 PM
<b>Docket Entry:</b> none.				